



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
NEW YORK REGIONAL OFFICE  
3 WORLD FINANCIAL CENTER  
SUITE 400  
NEW YORK, NEW YORK 10281-1022

WRITER'S DIRECT DIAL LINE  
JOSEPH P. DEVER  
TELEPHONE: (212) 336-0058  
FACSIMILE: (212) 336-1317  
DEVERJ@SEC.GOV

January 25, 2010

**By ECF**

The Honorable John Gleeson  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

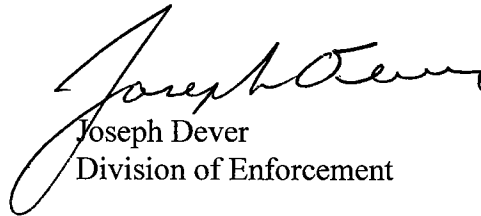
**Re: SEC v. Robert Durant, 08-CV-1539 (JG)(RML)**

Dear Judge Gleeson:

We represent plaintiff Securities and Exchange Commission in the above-referenced action. On May 21, 2008, the Court entered a Partial Final Consent Judgment as to defendant Robert Durant ("Durant") that, among other things, permanently enjoined Durant from violating Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5. The Partial Final Consent Judgment, however, did not resolve the Commission's claims for disgorgement and civil penalties against Durant. In view of the fact that defendant Durant has now been sentenced in his parallel criminal case, *U.S. v. Robert Durant*, 08-CR-357 (JG) (EDNY), in which he was criminally charged with engaging in the same conduct alleged in the Commission's Complaint, to pay restitution in the amount of \$2,481,196 and to a term of 5 years of probation, the Commission seeks to withdraw its claims for disgorgement and civil penalties against defendant Durant.

By withdrawing the claims for disgorgement and civil penalties, the Commission seeks to conclude its litigation against defendant Durant in this case.

Respectfully Yours,



Joseph Dever  
Division of Enforcement

SO ORDERED:

---

UNITED STATES DISTRICT JUDGE

cc (via ECF): Counsel for defendants